

Appl. No. 10/620,880
Amdt. Dated February 13, 2006
Reply to Office Action of June 15, 2005

• • R E M A R K S / A R G U M E N T S • •

The Official Action of June 15, 2005 and the Advisory Action of September 26, 2005 have been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present supplemental amendment the claims have been amended in the manner previously proposed in applicants' Amendment After Final filed September 7, 2005. That is, claims 6 and 7 have been amended to recite that the units of hardness of the elastomeric polymer are "JIS A," which is consistent with evaluation methods and measured hardness discussed on page 10 of applicants' specification.

Also, step d) has been deleted from claim 21.

Entry of the changes to the claims is respectfully requested.

On page 2 of the Official Action mailed June 15, 2005 the Examiner objected to applicants' amendment filed March 25, 2005 under 35 U.S.C. §132(a) on the basis that the recitation of "Duro A hardness" involved new matter.

In response to this objection claim 6 and 7 have been amended to recite "JIS A" hardness which is measured on page 10 using the referenced standardized JIS testing methods.

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On page 3 of the Office Action the Examiner has objected to Claim 21 on the basis that the Examiner considered step d) as being directed to a method of using the gasket rather than a method of producing the gasket.

In response to this objection to claim 21, claim 21 has been amendment to delete step d).

Claims 2-9 and 21 are pending in this application.

Claims 21 and 2-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. EP 1 220 345 to Nagai in view of U.S. Patent No. 4,337,332 to Melancon et al.

It is noted that the applicant for European Patent Application No. EP 1 220 345 to Nagai is NOK Corporation as noted on the face of the application.

The present application is a Divisional application of U.S. Patent Application Serial No. 09/911,066.

Attached as Exhibit C (5 pages) are the related assignment documents that were filed in U.S. Patent Application Serial No. 09/911,066.

The Examiner will note that the original assignment by the inventors in U.S. Patent Application Serial No. 09/911,066, assigned the full right and title to "any and all...divisions" to NOK Corporation.

Therefore, the present application (a Divisional application of U.S. Patent Application Serial No. 09/911,066) is assigned to NOK Corporation.

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Accordingly, European Patent Application No. EP 1 220 345 to Nagai and the present application are commonly assigned to NOK Corporation.

Therefore, European Patent Application No. EP 1 220 345 to Nagai is not available as a reference to the Examiner.

Submitted herewith is a Terminal Disclaimer which disclaims any portion of the present application which would extend beyond the expiration date of U.S. Patent No. 6,720,103 (which is the U.S. Patent that corresponds to European Patent Application No. EP 1 220 345 to Nagai).

It is believed that having established that European Patent Application No. EP 1 220 345 to Nagai and the present application are commonly assigned, and submitting the Terminal Disclaimer, applicant has effectively overcome the Examiner's reliance upon European Patent Application No. EP 1 220 345 to Nagai so that the present application can proceed to allowance.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

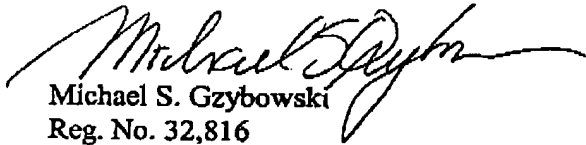
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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